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2 United States Attorney

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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5 SEALED  
6 BY COURT ORDER

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

MMC

11  
12 UNITED STATES OF AMERICA

13 Plaintiff,

14 v.

15 WASSIM MOHAMMAD AZIZI,

16 Defendant.

CR

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0548

VIOLATION: 42 U.S.C. §§ 7412 and  
7413(c)(1) -- Violation of Clean Air Act;  
18 U.S.C. § 2(b) -- Aiding and Abetting

SAN FRANCISCO VENUE

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19 INDICTMENT

20 The Grand Jury charges:

21 INTRODUCTORY ALLEGATIONS

22 Defendant

23 1. Defendant Wasim Azizi ("AZIZI") was the owner of 27794 Mission Boulevard,  
24 Hayward, California.

25 2. AZIZI was engaged in the business of demolishing and then renovating  
26 commercial properties.

27 Clean Air Act

28 3. The federal Clean Air Act authorizes the United States Environmental Protection

INDICTMENT

18

1 Agency ("EPA") to establish emission standards for hazardous air pollutants. Those  
2 standards are known as the National Emission Standards for Hazardous Air Pollutants  
3 ("NESHAPs").

4 4. EPA designated asbestos as a hazardous air pollutant. EPA also established a  
5 NESHAP for asbestos to ensure the safety of the general public and workers when work  
6 involving asbestos is done at regulated facilities, and to prevent the release of asbestos  
7 into the environment as the result of such work.

8 5. The asbestos NESHAP regulated friable asbestos material, and certain kinds of  
9 non-friable material that has become friable or has a high probability of becoming friable  
10 by the forces acting upon it during a demolition or renovation activity (hereinafter  
11 referred to as "regulated asbestos-containing material"). Friable asbestos was defined as  
12 material containing more than one percent asbestos, as determined by using the method  
13 specified by EPA, that hand pressure can crumble, pulverize, or reduce to powder when  
14 dry.

15 6. EPA has the power to delegate its authority regarding air quality to local air quality  
16 control regions and boards. In 1997, EPA delegated and re-delegated its authority for  
17 enforcement of NESHAP to local agencies, including the Bay Area Air Quality  
18 Management District ("BAAQMD").

19 7. The asbestos NESHAP consists of "work practice" standards which, among other  
20 things, requires that the owner and operator: (a) contact the EPA or its delegate at least 10  
21 days prior to beginning any regulated asbestos-containing material removal activity; (b)  
22 label bags containing regulated asbestos-containing material with the name of the waste  
23 generator and the location at which the waste was generated; (c) adequately manage  
24 regulated asbestos-containing material so that there is no discharge of visible emissions;  
25 (d) keep regulated asbestos-containing material wet and sealed in leak-tight containers, so  
26 that it does not generate airborne dust; and (e) deposit regulated asbestos-containing  
27 material as soon as practical at an authorized and approved disposal site. 40 C.F.R.  
28 §§ 61.140-157.

1 8. The asbestos work practice standards were applicable to any owner or operator of  
2 a facility conducting a demolition or renovation operation where the combined amount of  
3 regulated asbestos-containing material to be stripped, removed, dislodged, cut, drilled, or  
4 similarly disturbed is at least 80 linear meters (260 linear feet) of regulated asbestos-  
5 containing material on pipes or at least 15 square meters (160 square feet) of regulated  
6 asbestos-containing material on other facility components. 40 C.F.R. §§ 61.145(a)(1)(i)  
7 and (a)(4)(i).

8 9. An "owner or operator" of a demolition or renovation was any person who owns,  
9 leases, operates, controls, or supervises the facility being demolished or renovated, or any  
10 person who owns, leases, operates, controls, or supervises the demolition or renovation  
11 operation, or both. 40 C.F.R. § 61.141.

12 10. These introductory allegations are hereby realleged and incorporated by reference  
13 into each and every Count of this Indictment.

14 COUNT ONE: (42 U.S.C. § 7413(c)(1) – Clean Air Act Violation)

15 11. Between on or about December 1, 2002, and on or about February 1, 2003, in the  
16 Northern District of California, defendant,

17 WASSIM AZIZI

18 did knowingly violate a requirement and prohibition of an order under 42 U.S.C. § 7412,  
19 to wit: failing to notify the United States Environmental Protection Agency and the Bay  
20 Area Air Quality Management District that defendant would begin work that involved the  
21 stripping, removal, and other activity that would disturb regulated asbestos-containing  
22 material at a demolition operation located at 27794 Mission Boulevard, Hayward,  
23 California, as required by 40 C.F.R. § 61.145(b).

24 All in violation of Title 42, United States Code, Section 7413(c)(1) and Title 18,  
25 United States Code, Section 2.

26 COUNT TWO: (42 U.S.C. § 7413(c)(1) – Clean Air Act Violation)

27 12. Between on or about December 1, 2002, and on or about February 1, 2003, in  
28 the Northern District of California, defendant,

1 WASSIM AZIZI

2 did knowingly violate a requirement and prohibition of an order under 42 U.S.C. § 7412,  
3 to wit: before beginning an activity that would break up, dislodge, or similarly disturb  
4 regulated asbestos-containing material, defendant failed to remove all of the regulated  
5 asbestos-containing material from a demolition operation located at 27794 Mission  
6 Boulevard, Hayward, California, as required by 40 C.F.R. § 61.145(c).

7 All in violation of Title 42, United States Code, Section 7413(c)(1) and Title 18,  
8 United States Code, Section 2.

9 COUNT THREE: (42 U.S.C. § 7413(c)(1) – Clean Air Act Violation)

10 13. Between on or about December 1, 2002, and on or about February 1, 2003, in  
11 the Northern District of California, defendant,

12 WASSIM AZIZI

13 did knowingly violate a requirement and prohibition of an order under 42 U.S.C. § 7412,  
14 to wit: after defendant stripped and removed regulated asbestos-containing material,  
15 defendant failed to keep wet and contain the regulated asbestos-containing material in  
16 leak-tight containers at a demolition operation located 27794 Mission Boulevard,  
17 Hayward, California, as required by 40 C.F.R. § 61.150(a).

18 All in violation of Title 42, United States Code, Section 7413(c)(1) and Title 18,  
19 United States Code, Section 2.

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1 COUNT FOUR: (42 U.S.C. § 7413(c)(1) – Clean Air Act Violation)

2 14. Between on or about December 1, 2002, and on or about February 1, 2003, in the  
3 Northern District of California, defendant,

4 WASSIM AZIZI

5 did knowingly violate a requirement and prohibition of an order under 42 U.S.C. § 7412,  
6 to wit: defendant disposed of regulated asbestos-containing material at a site that the  
7 defendant knew was not a waste site authorized and approved by the United States  
8 Environmental Protection Agency. Specifically, on or about said dates, defendant  
9 disposed of regulated asbestos-containing material in a dumpster located at 27794  
10 Mission Boulevard, Hayward, California, as required by 40 C.F.R. § 61.150(b).

11 All in violation of Title 42, United States Code, Section 7413(c)(1) and Title 18,  
12 United States Code, Section 2.

13  
14 Dated:

A TRUE BILL


15  
16 8/8/06

17   
18 FOREPERSON

19 KEVIN V. RYAN  
20 United States Attorney

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22 MARK L. KROTOSKI  
23 Chief, Criminal Division

24 (Approved as to form:   
25 AUSA GEIS